

**MONDAY, MARCH 26, 2001**  
**TWENTY-FIRST LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Shaw.

Representative Shaw led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Fowlkes; business reasons.

Representative Garrett; personal reasons.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 38:** Rep(s). Sands as prime sponsor(s).

**House Bill No. 307:** Rep(s). Todd as prime sponsor(s).

**House Bill No. 394:** Rep(s). Turner (Hamilton) as prime sponsor(s).

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

**House Bill No. 484:** Rep(s). Roach as prime sponsor(s).

**House Bill No. 1254:** Rep(s). Chumney and Turner (Hamilton) as prime sponsor(s).

**House Bill No. 1370:** Rep(s). Todd as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**March 26, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 128 and 130; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 128** -- Memorials, Congratulations - Gallatin Bicentennial Committee. by \*Graves.

**Senate Joint Resolution No. 130** -- Memorials, Recognition - International Athena Conference, Nashville, May 3-5, 2001. by \*Blackburn, \*Harper, \*Kurita, \*Graves, \*Burks, \*Henry, \*Dixon.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Resolution No. 39** -- General Assembly, Studies - Requests domestic relations and family affairs subcommittees of house children and family affairs committee to study, in all aspects, condition and status of Tennessee children. by \*DeBerry J.

House Children and Family Affairs Committee

**\*House Joint Resolution No. 151** -- Memorials, Congress - Urges appropriation of federal funds for special education. by \*Winningham, \*Davis (Washington), \*Brown, \*Scroggs, \*Harwell, \*Montgomery, \*Patton, \*Shaw, \*Maddox, \*Hagood, \*Pinion, \*Whitson, \*Johnson, \*Bunch, \*Cooper B, \*Caldwell, \*Hood, \*Davis (Cocke).

House Education Committee

**House Joint Resolution No. 158** -- Historical Sites and Preservation - Historical marker at site of Old Stone Bridge in Fayetteville. by \*Phillips, \*Fowlkes.

House Conservation and Environment Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 29, 2001:

**House Joint Resolution No. 159** -- Memorials, Recognition - Robert Dall'Alba. by \*Odom.

**House Joint Resolution No. 160** -- Memorials, Recognition - Emergency Support Unit of Metro Nashville. by \*Odom.

**House Joint Resolution No. 161** -- Memorials, Recognition - East Tennessee State University College of Business. by \*Davis (Washington), \*Patton.

**House Joint Resolution No. 163** -- Memorials, Sports - 2000-01 Shelbyville Central High School girls' basketball team, TSSAA Class AAA state champions. by \*Phillips.

**House Joint Resolution No. 164** -- Memorials, Professional Achievement - Clare Crawford, 2000 Powell Business and Professional Association Woman of the Year. by \*Dunn, \*Bittle, \*Buttry.

**House Joint Resolution No. 165** -- Memorials, Congratulations - Lillian Williams, Powell Business and Professional Association's 2000 Businessperson of the Year. by \*Dunn, \*Bittle, \*Buttry.

**House Joint Resolution No. 166** -- Memorials, Personal Achievement - Gary Morris, 2000 Powell Business and Professional Association Man of the Year. by \*Dunn, \*Bittle, \*Buttry.

**House Joint Resolution No. 167** -- Memorials, Sports - 2000-2001 Briarcrest Christian School girls' basketball team, Tennessee Secondary School Athletic Association Division II State Champion. by \*Stanley.

**House Joint Resolution No. 168** -- Memorials, Sports - James S. Williams, retirement from 39 years of volunteerism with Dixie Youth Baseball. by \*Ferguson.

**House Joint Resolution No. 169** -- Memorials, Professional Achievement - Lois Jean White, National PTA President. by \*Armstrong, \*Tindell, \*Boyer, \*Hagood, \*Dunn, \*Buttry, \*Bittle.

**House Joint Resolution No. 170** -- Memorials, Death - Danny Mayfield. by \*Armstrong, \*Hagood, \*Dunn, \*Bittle, \*Buttry, \*Tindell, \*Boyer.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 29, 2001:

**Senate Joint Resolution No. 128** -- Memorials, Congratulations - Gallatin Bicentennial Committee. by \*Graves.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1981** -- Kingsport - Subject to local approval, revises several provisions of Charter of City of Kingsport. Amends Chapter 76 of the Private Acts of 1917; as amended. by \*Westmoreland.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 206** -- Child Custody and Support - Authorizes court to consider divorcing parent's refusal to attend educational session as evidence of parent's lack of good faith under parenting plan proceedings. Amends TCA Title 36, Chapter 6, Part 1. by \*Dixon. (\*HB240 by \*Patton)

**Senate Bill No. 1433** -- District Attorneys - Creates additional assistant district attorney positions and assistant public defender positions. Amends TCA Title 8, Chapter 14 and Title 16, Chapter 2. by \*Person. (\*HB313 by \*Buck)

**\*Senate Bill No. 1477** -- Alcoholic Beverages - Authorizes Nashville Superspeedway to serve alcoholic beverages for consumption on premises. Amends TCA Title 57, Chapter 4. by \*Rochelle. (HB1207 by \*Bone)

**\*Senate Bill No. 1509** -- Consumer Protection - Provides that credit transaction in compliance with state disclosure requirements is also deemed to be transaction authorized by laws of this state and United States for purposes of exempting it from consumer protection act. Amends TCA Section 47-14-125. by \*Rochelle, \*Person. (HB1125 by \*Curtiss, \*Cole (Carter))

**Senate Bill No. 1767** -- Election Laws - Allows persons owning property in city of Doyle to vote in city elections. Amends TCA Section 6-53-102. by \*Elsea. (\*HB1506 by \*Curtiss)

**\*Senate Bill No. 1790** -- Utilities, Utility Districts - Authorizes, subject to local approval by customers of utility district, increased per diem from \$100 to \$250 per meeting, limited to 12 meetings, for members of utility district boards of commissioners in Sullivan County; permits group medical insurance coverage and life insurance coverage as authorized under present law. Amends TCA Section 7-82-308. by \*Ramsey. (HB1709 by \*Godsey, \*Mumpower, \*Davis (Washington), \*Westmoreland)

CONSENT CALENDAR

**House Bill No. 1254** -- Managed Care Organizations - Includes certified nurse midwives and nurses in advanced practice in class of providers against which managed care organizations cannot discriminate with respect to participation, referral, reimbursement of covered services, or indemnification to provider acting within scope of provider's license or certification. Amends TCA Title 56, Chapter 32, Part 2 and Title 56, Chapter 7. by \*Cole (Dyer), \*McKee, \*Cole (Carter), \*Phelan. (\*SB1236 by \*Cooper J, \*Graves)

**\*House Bill No. 410** -- Motor Vehicles, Titling and Registration - Establishes that "Holders of the Purple Heart" license plates are issued upon payment of regular registration fee. Amends TCA Title 55, Chapter 4, Part 2 and Title 55, Chapter 4, Part 3. by \*Bunch. (SB656 by \*Burchett)

**House Bill No. 1975** -- Martin - Subject to local approval, changes election date for mayor and aldermen to regular November election; increases mayor's term from two years to four years; clarifies that nonresident owning not less than one-half interest in taxable freehold may vote in city election; clarifies that vice-mayor shall fill vacancy in office of mayor for remainder of unexpired term or until next regular city election, whichever occurs first. Amends Chapter 158 of the Private Acts of 1992; as amended. by \*Maddox. (SB1939 by \*Herron)

**House Bill No. 1976** -- Carroll County - Subject to local approval, authorizes county legislative body to provide for nonbinding, advisory referendum on whether state prison should be located in Carroll County. by \*Maddox, \*Phelan. (SB1938 by \*Carter)

**House Bill No. 1977** -- Monterey - Subject to local approval, creates civil service plan for Town of Monterey. Amends Chapter 492 of Acts of 1901. by \*Hargrove. (SB1941 by \*Burks)

**House Bill No. 1973** -- Erwin - Subject to local approval, revises certain provisions of town charter. Amends Chapter 297 of the Private Acts of 1947; as amended. by \*Whitson. (SB1936 by \*Haun)

**House Bill No. 1974** -- Norris - Subject to local approval, revises time when city council meets. Amends Chapter 566 of the Private Acts of 1949. by \*Baird. (SB1937 by \*McNally)

**\*House Bill No. 272** -- Statutes - Codifies public acts of 2000. by \*Davidson, \*Rinks. (SB1346 by \*Wilder, \*McNally)

On motion, House Bill No. 272 was made to conform with **Senate Bill No. 1346**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 163** -- Local Education Agency - Expands from five schools to five LEAs in each grand division who are required to file report with commissioner of education on conflict resolution intervention programs. Amends TCA Section 49-2-118. by \*Pruitt, \*Langster. (SB215 by \*Dixon)

On motion, House Bill No. 163 was made to conform with **Senate Bill No. 215**; the Senate Bill was substituted for the House Bill.

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

**House Bill No. 1585** -- Utilities, Utility Districts - Modifies procedures for filling vacancies on board of commissioners of first utility district Hardin County. Amends TCA Section 7-82-307. by \*Rinks. (\*SB1336 by \*Wilder)

**House Bill No. 450** -- Utilities, Utility Districts - Increases board of West Cumberland water utility district from three to five members. Amends TCA Section 7-82-307. by \*Curtiss. (\*SB284 by \*Davis L)

On motion, House Bill No. 450 was made to conform with **Senate Bill No. 284**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 1308** -- Parks, Natural Areas Preservation - Designates Sequatchie Cave and Langford Branch natural-scientific areas; increases size of four natural-scientific areas; authorizes \$10,000 fine for damaging natural area. Amends part 1 of Chapter 14 of Title 11 of the Tennessee Code. by \*White, \*Fraley. (SB1888 by \*Elsea, \*Cohen)

On motion, House Bill No. 1308 was made to conform with **Senate Bill No. 1888**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1226** -- Driver Licenses - Clarifies authority of department of safety in establishing payment plans for reinstatement or restoration of suspended or revoked driver license. Amends TCA Section 55-12-129. by \*Turner (Shelby), \*Shaw, \*Towns, \*Brooks, \*Bowers, \*Cooper B, \*Miller L. (\*SB212 by \*Dixon, \*Harper)

On motion, House Bill No. 1226 was made to conform with **Senate Bill No. 212**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 1335** -- Utilities, Utility Districts - Authorizes increase in per diem that may be received by certain utility district commissioners in counties having charter form of government. Amends TCA Section 7-82-308. by \*Buttry, \*Dunn, \*Armstrong, \*Boyer, \*Bittle, \*Davidson. (SB1727 by \*Atchley)

On motion, House Bill No. 1335 was made to conform with **Senate Bill No. 1727**; the Senate Bill was substituted for the House Bill.

**House Bill No. 446** -- Holidays and Days of Special Observance - "John Sevier Day," every June 23, to honor Tennessee's first governor for his important role in state history. Amends TCA Title 15, Chapter 2. by \*Windle. (\*SB648 by \*Burchett, \*Henry, \*Haun, \*Crowe, \*Williams, \*Atchley)

On motion, House Bill No. 446 was made to conform with **Senate Bill No. 648**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 1389** -- Human Services, Dept. of - Authorizes volunteers and contractors with rehabilitation services division of department to use state vehicles; authorizes attorney general to defend contractors for claims of damage caused while transporting clients in state vehicles. by \*Scroggs, \*Boyer. (SB1666 by \*Crowe, \*Atchley)

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

**House Bill No. 1634** -- Municipal Government - Authorizes board of commissioners of city-manager commission charter, upon adoption of two-thirds vote, to set salaries of mayor and commissioners annually at time of adoption of budget, subject to constitutional provisions prohibiting increasing or diminishing of salaries prior to end of term for which such officials are elected. Amends TCA Title 6, Chapter 20. by \*Sargent, \*Davidson, \*Garrett, \*McDonald, \*Ridgeway, \*McKee, \*Newton, \*McDaniel. (\*SB638 by \*Haynes)

**House Bill No. 924** -- Sunset Laws - Advisory committee for children's special services, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 12. by \*Kernell, \*Brooks, \*Cooper B. (\*SB124 by \*Harper)

On motion, House Bill No. 924 was made to conform with **Senate Bill No. 124**; the Senate Bill was substituted for the House Bill.

**House Bill No. 940** -- Sunset Laws - Deletes references to developmental centers, boards of trustees, that are no longer subject to sunset review. Amends TCA Title 4, Chapter 29. by \*Kernell, \*Brooks, \*Cooper B. (\*SB82 by \*Harper)

On motion, House Bill No. 940 was made to conform with **Senate Bill No. 82**; the Senate Bill was substituted for the House Bill.

**House Bill No. 949** -- Sunset Laws - Terminates cancer reporting advisory committee. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 1. by \*Kernell, \*Brooks, \*Cooper B. (\*SB116 by \*Harper)

**House Bill No. 969** -- Sunset Laws - Terminates state volunteer advisory board. Amends TCA Title 4, Chapter 29 and Title 41, Chapter 10. by \*Kernell, \*Brooks, \*Cooper B. (\*SB67 by \*Harper)

**House Bill No. 1064** -- Sunset Laws - Committee for clinical perfusionists, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 28. by \*Kernell, \*Brooks, \*Cooper B. (\*SB70 by \*Harper)

**House Bill No. 1070** -- Sunset Laws - State board of occupational and physical therapist examiners, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 13. by \*Kernell, \*Brooks, \*Cooper B. (\*SB75 by \*Harper)

On motion, House Bill No. 1070 was made to conform with **Senate Bill No. 75**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1074** -- Sunset Laws - Medical care and cost containment committee, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 6. by \*Kernell, \*Brooks, \*Cooper B. (\*SB113 by \*Harper)

On motion, House Bill No. 1074 was made to conform with **Senate Bill No. 113**; the Senate Bill was substituted for the House Bill.

**House Joint Resolution No. 102** -- Naming and Designating - General Federation of Women's Clubs of Tennessee Day, March 14, 2001. by \*Rhinehart, \*Ridgeway.

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

**House Joint Resolution No. 101** -- Naming and Designating - Tennessee Osteoporosis Prevention Month, May 2001. by \*Pruitt, \*Jones, S., \*Caldwell, \*Fowlkes, \*Briley, \*Cooper B, \*Ferguson, \*Arriola, \*Givens, \*Lewis, \*Odum, \*Miller L, \*Pleasant, \*Brooks, \*Turner (Shelby), \*Chumney, \*DeBerry J, \*Jones U (Shelby), \*Bowers, \*DeBerry L, \*Turner (Hamilton), \*Patton, \*Langster.

**House Joint Resolution No. 146** -- Memorials, Academic Achievement - Sarah Elizabeth Hutton. by \*Davis (Washington), \*Patton.

**House Joint Resolution No. 147** -- Memorials, Congratulations - Caitlin Robinson of Memphis, finalist for 2001 Prudential Spirit of Community Award. by \*Stanley.

**House Joint Resolution No. 148** -- Memorials, Personal Achievement - Caitlin Steiger, Prudential Spirit of Community Award. by \*Stanley.

**House Joint Resolution No. 149** -- Memorials, Sports - Mt. Juliet High School Lady Golden Bears, TSSAA AAA State Semi-Finalist. by \*Bone.

**House Joint Resolution No. 150** -- Memorials, Heroism - James H. Blackwell, World War II Veteran. by \*McKee.

**House Joint Resolution No. 152** -- Memorials, Recognition - Jimmy Stevenson, founder of Richie Stevenson Scholarship Fund. by \*Beavers.

**House Joint Resolution No. 153** -- Memorials, Congratulations - Caitlin Robinson of Memphis, Distinguished Finalist for 2001 Prudential Spirit of Community Award. by \*Stanley.

**House Joint Resolution No. 154** -- Memorials, Congratulations - Lauren Anderson, Dr. Martin Luther King, Jr. Oratorical Contest. by \*DeBerry J.

**House Joint Resolution No. 155** -- Memorials, Academic Achievement - Cherrelle Reed, for her perfect writing assessment. by \*DeBerry J.

**House Joint Resolution No. 156** -- Memorials, Personal Occasion - Reverend Jobby and Mrs. Edith Byrge, 55th wedding anniversary. by \*Goins.

**House Joint Resolution No. 157** -- Memorials, Personal Occasion - Mr. and Mrs. Ralph Irick of Maynardville, 60th wedding anniversary. by \*Goins.

**House Resolution No. 38** -- Memorials, Sports - Judy Tillett Young, Junior Rider of the Century. by \*Phillips.

**Senate Joint Resolution No. 37** -- Memorials, Recognition - Jaycees Against Youth Smoking Program. by \*Cooper J, \*McNally, \*Dixon, \*Kyle.

**Senate Joint Resolution No. 117** -- Memorials, Death - Henry B. Lane. by \*Trail.

**Senate Joint Resolution No. 118** -- Memorials, Death - Henry G. "Hank" Ward. by \*Trail.



**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

**Senate Joint Resolution No. 119** -- Memorials, Death - Anna E. Wade Lilly. by \*Trail, \*Harper.

**Senate Joint Resolution No. 120** -- Memorials, Personal Achievement - Michael Boehmler, Kyle Staron, John Young, Eric Robertson, Caleb McLaughlin, Eagle Scouts. by \*Herron.

**Senate Joint Resolution No. 121** -- Memorials, Professional Achievement - Kim Hawks, Milken Family Foundation National Educator Award recipient. by \*Herron.

**Senate Joint Resolution No. 122** -- Memorials, Death - John Eisterhold. by \*Herron.

**Senate Joint Resolution No. 123** -- Memorials, Death - H. C. "Ham" Brundige of Martin. by \*Herron.

**Senate Joint Resolution No. 124** -- Memorials, Death - Joseph Bradford Long Sr. by \*McNally.

**Senate Joint Resolution No. 126** -- Memorials, Sports - Jeff Lebo, 2000-01 OVC Basketball Coach of the Year. by \*Burks, \*Davis L.

**Senate Joint Resolution No. 127** -- Memorials, Personal Achievement - John W. Duke. by \*Jackson.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 949:** by Rep. Kernell

**House Bill No. 969:** by Rep. Kernell

**House Bill No. 1064:** by Rep. Kernell

**House Joint Resolution No. 147:** by Rep. Stanley

Under the rules, House Bill(s) No(s). 949, 969, 1064 and House Joint Resolution No. 147 was/were placed at the foot of the calendar for March 29, 2001.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

## MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

### REGULAR CALENDAR

**\*House Bill No. 1379** -- Banks and Financial Institutions - Authorizes commissioner of financial institutions to define conflicts of interest for investigators; changes certain bank accounting requirements and makes other various changes to banking law. Amends TCA Title 45, Chapters 1 and 2 and Section 45-14-114. by \*Ford S, \*Boyer. (SB1656 by \*Elsa, \*Atchley)

Further consideration of House Bill No. 1379 previously considered on March 19, 2001 and March 22, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 1379 was made to conform with **Senate Bill No. 1656**; the Senate Bill was substituted for the House Bill.

Rep. Ford moved that Senate Bill No. 1656 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 3.

Rep. Rhinehart moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Ford moved that **Senate Bill No. 1656** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	76
Noes .....	6
Present and not voting .....	11

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Kent, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Davidson), Vincent, Walker, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Brooks, Brown, Kernell, Rowland, Towns, Turner (Shelby) -- 6.

Representatives present and not voting were: Beavers, Bowers, Briley, DeBerry L, Hargett, Kisber, McMillan, Todd, Turner (Hamilton), West, Williams -- 11.

A motion to reconsider was tabled.

**\*House Bill No. 732** -- Highways, Roads and Bridges - Deletes provision authorizing incumbent chief administrative officers on April 5, 1974 to succeed themselves in office without limitation as to number of terms. Amends TCA Section 54-7-104. by \*Buck. (SB1086 by \*Burks)

Further consideration of House Bill No. 732 previously considered on March 22, 2001, at which time it was reset for today's Calendar.

Rep. Buck moved that House Bill No. 732 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 732 By deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-7-104, is amended by deleting subsection (b)(3) in its entirety.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 732**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

## MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 394** -- Domestic Violence - Clarifies that victim does not include person adjudged to be primary aggressor by law enforcement officer. Amends TCA Title 36, Chapter 3, Part 6. by \*Chumney. (\*SB177 by \*Fowler)

Further consideration of House Bill No. 394 previously considered on March 22, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 394 was made to conform with **Senate Bill No. 177**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 177 be passed on third and final consideration.

On motion, Rep. Chumney withdrew Children and Family Affairs Committee Amendment No. 1.

Rep. Kernell moved that Senate Bill No. 177 be reset for the Regular Calendar on March 29, 2001, which motion prevailed.

**House Bill No. 1317** -- Education, Higher Amends and clarifies various provisions of Tennessee Baccalaureate Education System Trust (BEST) Act regarding purchasers in tuition contracts. Amends TCA Section 49-7-802; Section 49-7-805(13), 49-7-809(a)(2) and Section 49-7-811. by \*Davidson, \*Cooper B. (\*SB897 by \*Haynes)

Rep. Davidson moved that House Bill No. 1317 be passed on third and final consideration.

Rep. Winningham moved adoption of Education Committee Amendment No. 1 as follows:

### **Amendment No. 1**

AMEND House Bill No. 1317 by deleting SECTIONS 1 – 11 of the printed bill in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-7-802(3), is amended by deleting the word "individuals" and by substituting instead the words and punctuation "individuals, associations, corporations, trusts or other organized entities".

SECTION 2. Tennessee Code Annotated, Section 49-7-802(4), is amended by deleting the word "individuals" and by substituting instead the words "individuals, associations, corporations, trusts or other organized entities".

SECTION 3. Tennessee Code Annotated, Section 49-7-802(8), is amended by deleting the word "individual" wherever the same appears in that subdivision and by substituting instead the words and punctuation "individual, association, corporation, trust or other organized entity".

SECTION 4. Tennessee Code Annotated, Section 49-7-802, is amended deleting from the current subdivision (13)(B), the words and figures "subdivision (13)(A)" and by substituting instead the words and figures "subdivision (14)(A)".

SECTION 5. Tennessee Code Annotated, Section 49-7-802, is amended by adding the following as a new subdivision (9) and by redesignating the subsequent subdivisions accordingly:

(9) "Refund recipient" means the person designated in a tuition contract by the purchaser as the person entitled to terminate the tuition contract and to receive refunds arising out of the contract pursuant to § 49-7-811.

SECTION 6. Tennessee Code Annotated, Section 49-7-809(a), is amended by deleting subdivisions (3) and (4) in their entirety and by substituting instead the following:

(3) The name of the refund recipient;

(4) The terms and conditions under which the contract may be terminated by the refund recipient and the amount of the refund, if any, to which the refund recipient is entitled upon termination;

SECTION 7. Tennessee Code Annotated, Section 49-7-811(a)(1), is amended by deleting the same in its entirety and by substituting instead the following:

(a) (1) A tuition contract may be terminated by the refund recipient under any of the following conditions upon written request of the refund recipient to the board:

SECTION 8. Tennessee Code Annotated, Section 49-7-811(b), is amended by deleting the same in its entirety and by substituting instead the following:

(b) The board shall determine the amount of the refund to which the refund recipient is entitled upon a contract termination.

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

SECTION 9. Tennessee Code Annotated, Section 49-7-811(d), is amended by deleting from the first sentence thereof the words "upon the request of the beneficiary" and by substituting instead the words "upon the request of the refund recipient".

SECTION 10. Tennessee Code Annotated, Section 49-7-811(d)(1)(A), is amended by deleting from the first sentence thereof the words "person designated in the contract" and by substituting instead the words "refund recipient".

SECTION 11. Tennessee Code Annotated, Section 49-7-811(d)(1)(B), is amended by deleting from the first sentence thereof the word "beneficiary" and by substituting instead the words "refund recipient"

SECTION 12. Tennessee Code Annotated, Section 49-7-811(d)(1)(B), is further amended by deleting from the second sentence thereof the words "person designated in the contract" and by substituting instead the words "refund recipient".

SECTION 13. Tennessee Code Annotated, Section 49-7-811, is amended by adding the following new subsections at the end thereof:

(g) Unless otherwise provided for in the contract, a tuition contract entered into under this part through the educational savings plan may be terminated by the refund recipient for any reason upon written request of the refund recipient to the board. Termination shall occur no earlier than a maturity period as may be set by the board after the first contribution is made to the account. The board shall determine the refund amount and the method and schedule for payment of the refund.

(h) Notwithstanding any provision of the law to the contrary, the board may promulgate substantive and procedural rules to permit a refund recipient to withdraw part of the balance from a savings account established under the educational savings plan without causing termination of the tuition contract and without requiring the refund recipient to establish that the withdrawn amount will be used to pay the tuition or other educational costs of the beneficiary. Such rules shall set forth the amount of the penalty, if any, to be deducted from the partial payment. The amount of any such penalty shall not be less than the safe harbor penalty as provided under the regulations of the Internal Revenue Service which are applicable to the program.

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Davidson moved that House Bill No. 1317 be reset for the Regular Calendar on March 29, 2001, which motion prevailed.

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

**House Bill No. 335** -- Eminent Domain - Requires that posted bond for two times amount of appraisal continue upon taking of appeal. Amends TCA Title 29, Chapter 16 and Title 54, Chapter 14. by \*Buck. (\*SB247 by \*Jackson)

Rep. Buck moved that House Bill No. 335 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 335 by deleting the period at the end of the amendatory language of SECTION 1 and substituting instead the following:

and may be considered by the trial court or appellate court in setting an appeal bond as provided by law.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 335**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kemell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Armstrong -- 1.

A motion to reconsider was tabled.

**House Bill No. 898** -- Eminent Domain - Allows county tax appraisal to be admissible into evidence if owner's property is damaged and owner had no knowledge or notice of damages. Amends TCA Title 29. by \*Buck. (\*SB1483 by \*Henry)

Rep. Buck moved that House Bill No. 898 be reset for the Regular Calendar on March 29, 2001, which motion prevailed.

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

**\*House Bill No. 411** -- Traffic Safety - Removes instruction that oncoming traffic proceed normally when meeting funeral procession. Amends TCA Section 55-8-183. by \*Bunch. (SB652 by \*Burchett)

On motion, House Bill No. 411 was made to conform with **Senate Bill No. 652**; the Senate Bill was substituted for the House Bill.

Rep. Bunch moved that Senate Bill No. 652 be passed on third and final consideration.

Rep. Maddox moved the previous question, which motion prevailed.

Rep. Bunch moved that **Senate Bill No. 652** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes .....	1
Present and not voting .....	6

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Davidson), Vincent, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Caldwell -- 1.

Representatives present and not voting were: Cooper, DeBerry L, Patton, Turner (Hamilton), Turner (Shelby), Walker -- 6.

A motion to reconsider was tabled.

**\*House Bill No. 387** -- Uniform Laws - Enacts "Uniform Electronic Transactions Act.". by \*Fitzhugh. (SB376 by \*Dixon)

On motion, House Bill No. 387 was made to conform with **Senate Bill No. 376**; the Senate Bill was substituted for the House Bill.

Rep. Fitzhugh moved that Senate Bill No. 376 be passed on third and final consideration.



Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 376 by deleting Section 17 of the printed bill and by substituting instead the following:

**SECTION 17. Creation and Retention of Electronic Records and Conversion of Written Records by governmental agencies.**

(a) Except as may otherwise be specifically required or prohibited by applicable law, the information systems council established under Section 4-3-5501 shall determine whether, and the extent to which, this State or any of its departments or agencies will create and retain electronic records and convert written records to electronic records.

(b) Except as may otherwise be specifically required or prohibited by applicable law, and subject to the provisions of Section 19 of this Act, all local governmental public officials, including but not limited to officials of counties, municipalities, utility districts, other local governmental entities and those offices enumerated under Section 8-22-101, shall themselves determine whether, and the extent to which, they will create and retain electronic records and convert written records to electronic records.

(c) In addition to any requirements established by this act, any governmental agency creating and retaining records in electronic format shall do so in accordance with the standards and limitations established in Section 10-7-121. Likewise, any county official providing computer access and remote electronic access to governmental records shall do so in accordance with the standards and limitations for such practice established in Section 10-7-123. Nothing in this act shall be construed as relieving a county official from complying with the provisions of Title 10, Chapter 7, Part 4 regarding the retention of county public records, specifically the provisions of Section 10-7-404(d) which requires approval of the county public records commission prior to the destruction of original documents which have been transferred to computer storage media.

AND FURTHER AMEND by deleting Section 18 of the printed bill and by substituting instead the following:

**SECTION 18. Acceptance and Distribution of Electronic Records by governmental agencies.**

(a) Except as may otherwise be specifically required or prohibited by applicable law, and except as otherwise provided in Section 12(f) of this act:

(1) The information systems council established under Section 4-3-5501 shall further determine whether, and the extent to which, this state or any of its agencies and departments will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures; and

(2) Subject to the provisions of Section 19 of this act, any local governmental public official, including but not limited to officials of counties, municipalities, utility districts, other local governmental entities and those offices enumerated under Section 8-22-101, making determinations under Section 17(b) of this act shall each themselves further determine whether, and the extent to which, they will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(b) To the extent that any governmental agency uses electronic records or electronic signatures under subsection (a), the information systems council established under Section 4-3-5501, giving due consideration to security, may so specify as set forth below:

(1) The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes;

(2) If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identify of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process;

(3) Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and

(4) Any other required attributes for electronic records which are specified for corresponding non-electronic records or reasonably necessary under the circumstances.

(c) Except as otherwise provided in Section 12(f) of this act, this act does not require a governmental agency of this state to use or permit the use of electronic records or electronic signatures.

AND FURTHER AMEND, by deleting Section 19 of the printed bill and by substituting instead the following:

SECTION 19. Interoperability. The information systems council may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this and other states, and the federal government and non-governmental persons interacting with governmental agencies of this state. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing the most appropriate standard for a particular application. Any deviation from the standards established by the information systems council by a local governmental public official, including but not limited to officials of counties, municipalities, utility districts, other local governmental entities and those offices enumerated under Section 8-22-101, shall be subject to the approval of the comptroller of the treasury.

AND FURTHER AMEND by adding the following as new subsections (b) and (c) in Section 22 of the printed bill and by relettering the existing subsections (b) and (c) accordingly:

(b) The Tennessee Code Commission is requested to note under Title 5, Chapter 24, that the provisions of this act are a substitution for the former provisions of Title 5, Chapter 24.

(c) The Tennessee Code Commission is requested to include the following additional comment with the text of official comment number 4 to Section 2 of the Uniform Electronic Transactions Act in any codification of official publication containing the act:

As explained by the text of Official Comment 4, the definition of "electronic" is intended to be broad. As a clarification only, this comment confirms the intention that the definition include information sent by telephone or like equipment, whether the transmission is over land lines, by wireless means or otherwise.

AND FURTHER AMEND by adding the following as a new Section 19 and by renumbering the existing Section 19 of the printed bill and subsequent sections accordingly:

SECTION 19. Filing of pre-implementation statement and post-implementation review.

(a) Any local governmental public official, including but not limited to officials of counties, municipalities, utility districts, other local governmental entities and those offices enumerated under Section 8-22-101, implementing an electronic business system that provides for the sending and receiving of electronic records that contain electronic signatures and/or authorizations shall file a statement with the comptroller of the treasury at least thirty (30) days prior to offering such service. The statement shall contain the following information:

(1) A description of the computer hardware and software to be utilized;

(2) A description of the policies and procedures related to the implementation of the system;

(3) Documentation of the internal controls that will ensure the integrity of the system;

(4) A description of the local governmental public official's personnel who will be responsible for the implementation of the system;

(5) A description of the types of records and transactions to be electronically communicated, as well as a description of the transaction and/or record authorization process including a description of any electronic signatures to be used;

(6) The estimated cost of the system including development and implementation costs; and

(7) The expected benefits and/or the estimated cost savings, if any, of conducting business by electronic means.

(b) A local governmental public official who implements an electronic business system shall provide to the comptroller of the treasury a post-implementation review of the system between twelve (12) and eighteen (18) months after the date a statement described in this section has been filed with the comptroller. The review shall include

(1) An assessment of the system by the local governmental public official;

(2) Responses from a survey of users of the system; and

(3) Any recommendations for improvements to the electronic business system.

AND FURTHER AMEND by deleting subsections (a) and (b) from the existing Section 23 of the printed bill and replacing them with the following:

The information systems council shall perform the functions for which it is responsible under Sections 17 through 20 of the Uniform Electronic Transactions Act.

AND FURTHER AMEND by adding the following as a new section immediately prior to the effective date section and renumbering accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Title 5, Chapter 24, is deleted in its entirety.

AND FURTHER AMEND by deleting the effective date section of the printed bill and by substituting instead the following:

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

SECTION \_\_\_\_\_. For the purposes of the information systems council establishing standards and procedures, this act shall take effect upon becoming a law. For all other purposes, this act shall take effect July 1, 2001, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Arriola moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 376 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. No provision of the Electronic Transactions Act is intended to limit, modify or supersede the requirements of Section 101(c), (d), or (e), or to authorize electronic delivery of any notice of the type described in Section 103(b) of the Electronic Signatures in Global and National Commerce Act.

On motion, Amendment No. 2 was adopted.

Rep. White moved the previous question, which motion prevailed.

Rep. Fitzhugh moved that **Senate Bill No. 376**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....96  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kemell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 578** -- Highway Signs - Dale Hollow Lake, Exit 286, 287, 288, 290 on I-40 in Cookeville. by \*Winningham. (SB1069 by \*Burks, \*Haynes, \*Norris, \*Davis L)

Rep. Winningham moved that House Bill No. 578 be reset for the Regular Calendar on April 23, 2001, which motion prevailed.

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

**\*House Bill No. 307** -- Victims' Rights - Redefines duties of victim-witness coordinators. Amends TCA Title 8, Chapter 7. by \*Scroggs. (SB299 by \*Kurita)

On motion, House Bill No. 307 was made to conform with **Senate Bill No. 299**; the Senate Bill was substituted for the House Bill.

Rep. Scroggs moved that **Senate Bill No. 299** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 484** -- Prisons and Reformatory Institutions - Revises provisions on comparative evaluation process regarding contracts for correctional services. Amends TCA Title 41, Chapter 24. by \*McKee, \*Pinion. (\*SB363 by \*Cooper J)

Rep. McKee moved that House Bill No. 484 be passed on third and final consideration.

Rep. Todd moved the previous question, which motion prevailed.

Rep. McKee moved that **House Bill No. 484** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0
Present and not voting .....	1

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L. Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1370** -- Probation and Parole - Requires department of correction, instead of board of probation and parole, to notify victim witness coordinator of parole eligibility date; requires board, instead of department, to notify appropriate officials regarding release eligibility date for felons with two-year sentence or less. Amends TCA Title 40. by \*Westmoreland, \*McKee. (SB1647 by \*Norris, \*Atchley)

On motion, House Bill No. 1370 was made to conform with **Senate Bill No. 1647**; the Senate Bill was substituted for the House Bill.

Rep. Westmoreland moved that **Senate Bill No. 1647** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L. Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 254** -- Lauderdale County - Subject to local approval, decreases county highway commission from two members to one member. Amends Chapter 304 of the Private Acts of 1929; as amended. by \*Fitzhugh. (SB854 by \*Norris)

**Senate Amendment No. 1**

AMEND House Bill No. 254 By deleting subsections (a) and (b) of the amendatory language of Section 1 in their entirety and by substituting instead the following:

(a) The County Highway Department shall be operated under authority of one (1) Highway Commissioner, who shall be responsible for the overall supervision of the County Highway Department. Presently serving members of the former Highway Commission in office on the effective date of this act shall remain in office until the expiration of the term for which such members were elected and until the successor Highway Commissioner is elected and qualified. The Highway Commissioner shall be elected to serve a four (4) year term at the January, 2003, meeting of the County Legislative Body.

(b) The Highway Commissioner shall reside and be a freeholder of Lauderdale County, and shall not be eligible for election to any other elected County Office. The Highway Commissioner shall be nominated by the County Executive, or the Chairman of the County Commission if someone other than the County Executive. Nominations shall be made and submitted to the County Legislative Body, who by majority vote of members present shall elect a Highway Commissioner to serve a term of four (4) years from the date such person is elected and until a successor is elected and qualified.

Rep. Fitzhugh moved that the House nonconcur in Senate Amendment(s) No(s). 1 to **House Bill No. 254**, which motion prevailed.

UNFINISHED BUSINESS

BILL TAKEN OFF NOTICE

Rep. Davidson moved that **House Bill No. 273** be taken off notice in the House Education Committee, which motion prevailed.

BILLS WITHDRAWN

On motion of Rep. Stanley, **House Bill No. 456** was recalled from the State and Local Government Committee and withdrawn from the House.



**RULES SUSPENDED**

Rep. Mumpower moved that the rules be suspended for the purpose of introducing House Resolution No. 40 out of order, which motion prevailed.

**House Resolution No. 40** -- Memorials, Congratulations - Northeast Correctional Complex, 10th Anniversary. by \*Mumpower.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Mumpower, the resolution was adopted.

A motion to reconsider was tabled.

**BILLS WITHDRAWN**

On motion of Rep. West, **House Bill No. 1096** was recalled from the Judiciary Committee and withdrawn from the House.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 241:** Rep(s). Hargett as prime sponsor(s).

**House Bill No. 1513:** Rep(s). Patton as prime sponsor(s).

**House Bill No. 1573:** Rep(s). Walker as prime sponsor(s).

**House Bill No. 1576:** Rep(s). Phelan, Walker and McKee as prime sponsor(s).

**House Bill No. 1818:** Rep(s). Walker as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**March 26, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 112; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 112** -- Naming and Designating - "National Day of Hope in Tennessee," April 4, 2001. by \*Burks.

**MESSAGE FROM THE SENATE**

**March 26, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 70; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 70** -- Sunset Laws - Committee for clinical perfusionists, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 28. by \*Harper. (HB1064 by \*Kernell, \*Brooks, \*Cooper B)

**MESSAGE FROM THE SENATE**

**March 26, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 946 and 1394; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 26, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1361; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 26, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1935; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Bill No. 1935** -- Lawrenceburg - Subject to local approval, rewrites charter. Amends Chapter 457 of the Acts of 1901; as amended. by \*Jackson. (HB1972 by \*White)

**ENGROSSED BILLS**

**March 26, 2001**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 335 410, 484, 732, 1254, 1389, 1585, 1634, 1973, 1974., 1975, 1976, 1977, also, House Joint Resolution(s) No(s). 101, 102, 146, 148, 149, 150, 152, 153, 154, 155, 156 and 157.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 26, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 22, 84, 226, 712, 916, 965, 1189, 1460, 1547, 1635, 1674 and 1676; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 22** -- Sports - Enacts "Uniform Athlete Agents Act of 2001." Amends TCA Title 49, Chapter 7, Part 21; Title 62 and Title 67. by \*Cohen, \*Williams, \*Cooper J, \*Elsea, \*Crowe, \*Person, \*Crutchfield, \*Atchley, \*Burchett, \*Fowler, \*Ramsey, \*Rochelle, \*Harper, \*Haun, \*Haynes. (HB135 by \*Head, \*Todd, \*Roach, \*Westmoreland, \*Davis (Cocke), \*Arriola)

**\*Senate Bill No. 84** -- Sunset Laws - Tennessee tobacco farmers certifying board, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 36. by \*Harper. (HB971 by \*Kernell, \*Brooks, \*Cooper B)

**\*Senate Bill No. 226** -- Education - Requires Tennessee Student Assistance Corporation to administer support personnel loan scholarship program for Tennesseans who aspire to be teachers; establishes criteria for participation and loan repayment and forgiveness. Amends TCA Title 49, Chapter 4, Part 7. by \*Crutchfield, \*Williams, \*Harper. (HB1103 by \*Scroggs, \*Cooper B, \*Kent)

**\*Senate Bill No. 712** -- Managed Care Organizations - Revises requirements necessary for HMO to obtain certificate of authority and information which must be included in evidence of coverage. Amends TCA Title 56, Chapter 32. by \*Cooper J, \*Clabough, \*Atchley. (HB1156 by \*Hagood, \*McDaniel, \*Cole (Dyer), \*Lewis)

**Senate Bill No. 916** -- Highway Signs - Suede's Restaurant and Carl Perkins Museum, I-40 in Madison County. by \*Carter. (\*HB616 by \*Kisber, \*Shaw, \*McDaniel)

**\*Senate Bill No. 965** -- Hazardous Materials - Broadens unsafe material subject to certain parking restrictions on unsafe material; increases fine; requires suspension of driver license. Amends TCA Title 55. by \*Ford J. (HB1885 by \*Towns)

**Senate Bill No. 1189** -- Wildlife Resources Commission - Prevents illegal hunting or possession of wild elk. by \*Clabough. (\*HB518 by \*Bittle)

**\*Senate Bill No. 1460** -- Public Utilities - Renames "universal service support mechanism" to "universal service program"; creates universal service program support mechanism fund as special reserve account in general fund. Amends TCA Section 65-5-207. by \*Rochelle. (HB1270 by \*Kisber)

**\*Senate Bill No. 1547** -- Gas, Petroleum Products, Volatile Oils - Modifies certain statutory provisions pertaining to petroleum fair trade practices. Amends TCA Title 47, Chapter 25. by \*Kyle. (HB1512 by \*Sargent, \*Black)

**Senate Bill No. 1635** -- Banks and Financial Institutions - Exempts banks from state requirement to register as broker-dealer to extent bank's activities are excepted under either definition of "broker" or "dealer" under federal law. - TCA Title 48, Chapter 2, Part 1. by \*Cooper J. (\*HB1358 by \*Lewis)

**MONDAY, MARCH 26, 2001 – TWENTY-FIRST LEGISLATIVE DAY**

**Senate Bill No. 1674** -- Labor and Workforce Development, Dept. of - Authorizes commissioner to designate representative to decide whether to prosecute employer that fails to pay employees on time or that misrepresents wages to new hire. Amends TCA Sections 50-2-103(h) and 50-2-104. by \*Clabough, \*Atchley. (\*HB1397 by \*Clem, \*McDaniel)

**Senate Bill No. 1676** -- Unemployment Compensation - Revises back-pay award provisions; redefines "wages" to specifically include income from qualified annuity plans and deferred compensation plans of state or local government or tax-exempt organization; modifies certain notice provisions. Amends TCA Sections 50-7-213(a), 50-7-303(e) and 50-7-404(c). by \*Elsa, \*Atchley. (\*HB1435 by \*Whitson, \*McDaniel)

**CONSENT CALENDAR  
March 26, 2001**

The following local bills have been placed on the Consent Calendar for **March 29, 2001**: House Bill(s) No(s). 1972.

**ROLL CALL**

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, March 29, 2001.